

REMARKS

Applicants have submitted a Request for Continued Examination along with the present Amendment pursuant to 37 C.F.R. §1.114.

Claims 40, 42-48, 56, and 58-72 are pending. Claims 1-39, 41, 49-55 and 57 have been canceled. Claims 70-72 have been added in the present Amendment. No claims have been allowed.

The Examiner rejected Claims 40, 42-48, 56 and 58-66 under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 5,277,005 to Hellwig et al. ("Hellwig et al. '005") in view of U.S. Patent No. 5,038,539 to Kelley et al. ("Kelley et al. '539"), and rejected Claims 67-69 under 35 U.S.C. §103(a) as being obvious over Hellwig et al. '005 in view of Kelley et al. '539 and further in view of U.S. Patent No. 6,112,472 to Van Dyk et al. ("Van Dyk et al. '472").

Hellwig et al. '005 discloses a partition system including individual panels 2 each having frames 10, shown in Fig. 2. With further reference to Figs. 3-6, frames 10 include vertical members 12 and horizontal members 14. Each horizontal member 14 includes an upper member 15 which, as may be seen in Figs. 4 and 6, includes a pair of upwardly-directed vertical flanges, and a lower member 17 that includes a pair of downwardly-directed vertical flanges. As shown in Figs. 4 and 6, covers 4 are attached to frame 10 between pairs of the vertical flanges of frame members 15 and 17 by what appear to be clips (unnumbered) attached to the rear faces of the covers and which engage the vertical flanges of frame members 15 and 17.

Independent Claims 40 and 56, as amended, each call for a partition system including, *inter alia*, a framework, at least a pair of track members mounted to a side of the framework and disposed outwardly of the framework interior, the track members including mutually-facing tile receiving channels, and at least one tile including upper and lower edges each having a thickness defined between opposite vertical faces of the tile, said tile mounted to said framework by sliding receipt of the upper and lower edges of said tiles within the tile-retaining channels of the track members with the entirety of the thicknesses of the tile upper and lower edges received within the channels of the track members, the tile including a storage area extending into the framework interior.

Referring to Figs. 1, 13A, 13B, 14, 16A and 42 of the present application, track members 14 are mounted to the partition system framework (such as by hanging same from the framework, for example, as shown in Figs. 13A and 14), and are disposed outwardly of the framework interior. A

pair of vertically spaced track members 146 include mutually-facing tile receiving channels 162 and 164 (these channels are on a single track member 146 in Fig. 13A), and tiles are mounted to the framework by receipt of the upper and lower edges of a tile within the tile-receiving channels in the manner discussed at paragraph [0117] and shown in Figs. 13A and 13B, wherein, as best shown in Fig. 13A, the entirety of the thickness of the upper and lower edges of the tiles, defined between opposite vertical faces of the tiles, are received within the channels of the track members. As discussed at paragraph [0139], the tile may include a storage area extending into the framework interior, such as body portion 272 of storage tile 270, shown in Figs. 37 and 38.

By contrast, as described above, it appears that covers 4 of the partition system of Hellwig et al. '005 include clips (unnumbered) on their lower and upper rear sides that engage behind the vertical flanges of the upper and lower members 15 and 17 of horizontal members 14 of frames 10, as shown in Figs. 4 and 6. As discussed above, the upper and lower edges of the covers 4 and, in particular, the thicknesses of these edges that are defined between opposite vertical faces of the covers, are not themselves received or retained by the upper and lower members 15 and 17 of horizontal members 14 of frames 10, but rather are disposed outwardly of the upper and lower members 15 and 17 of horizontal members 14 of frames 10.

In the partition system of Kelley et al. '539, referring to Fig. 4 and as discussed at col. 10, lines 8-37 thereof, tiles 30 are mounted to vertical frame members 42 by first inserting clips 68 of tiles 30 into opening 62 of frame members 42, and thereafter pivoting the tile 30 to a vertical position to engage spring clips 69 of tile 30 within openings in vertical frame members 42.

Independent Claim 61, as amended, calls for a partition system, including, *inter alia*, a framework; at least a pair of track members mounted to a side of the framework and disposed outwardly of the framework interior, at least one of the track members including a horizontally-oriented channel opening outwardly with respect to the framework; at least one tile including upper and lower edges defining a vertical tile height therebetween, the tile mounted to the framework by retention of the upper and lower edges of the tile between mutually-facing, vertically-oriented channels of the track members, the channels defining a vertical distance between respective horizontal walls thereof, the vertical distance greater than the vertical tile height whereby the tile,

when mounted to the framework, is vertically shiftable with respect to the channels, the tile including a storage area extending into the framework interior.

As may be seen from Figs. 13A, 13B, and 14 of the present application, and as is readily apparent from the description set forth in paragraphs [0116] and [0117] of the specification, each tile 54 has a vertical tile height between its upper and lower edges, and the channels of mutually-facing track members 146 include horizontal walls 150, 152 that will face each other to define a vertical distance therebetween, which vertical distance is greater than the vertical tile height. In particular, referring to Fig. 13A, it may be seen that a tile space 164 exists between the upper edge of the lower tile 54 shown in Fig. 13A and horizontal bottom wall 152 of track member 146, which allows tiles 154 to be shiftable vertically with respect to the channels when mounted between adjacent pairs of track members 146.

By contrast, in the arrangement disclosed in Hellwig et al. '005, the covers 4 of the partition system include clips (unnumbered) on their lower end upper edges, shown in Fig. 6, which appear to directly contact the upper and lower members 15 and 17 of the horizontal members 14 of frames 10, respectively, such that the distance between the upper and lower clips of each cover 4 is the same as the distance between upper and lower members 15 and 17 of horizontal members 14 of frames 10. In this manner, covers 4 are not vertically shiftable with respect to horizontal members 14 of frames 10 to which they are mounted.

New Claims 70-72, which depend from independent Claims 40, 56, and 61, respectively, additionally call for the channels of the track members to be generally C-shaped, each including a horizontal wall with a pair of spaced vertical walls depending therefrom, as discussed in paragraph [0116] and [0117] of the specification as best shown in Fig. 13A of the present application.

For the foregoing reasons, Applicants respectfully submit that independent Claims 40, 56, and 61, as well as the claims which depend therefrom, are not anticipated by, nor are obvious in view of, Hellwig et al. '005.

In the event Applicants have overlooked the need for an additional extension of time, payment of fee, or additional payment of fee, Applicants hereby petition therefore and authorize that any charges be made to Deposit Account No. 02-0385, Baker & Daniels LLP.

Application Serial No. 10/797,465
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Should the Examiner have any further questions regarding any of the foregoing, he is respectfully invited to telephone the undersigned at (260) 424-8000.

Respectfully submitted,



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CERTIFICATE UNDER 37 C.F.R. 1.8(B)

I hereby certify that this correspondence is being electronically submitted to the United States Patent and Trademark Office to the attention of: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Signature

August 14, 2008
Date